

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARTEZ ANTWOINE MOODY,)	
)	
Plaintiff,)	
)	
v.)	No. 4:16-CV-325-RLW
)	
FEDERAL BUREAU OF)	
INVESTIGATION ST. LOUIS OFFICE,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on the application of Martez Antwoine Moody for leave to commence this action without prepayment of the filing fee pursuant to 28 U.S.C. § 1915. Upon consideration of the financial information provided with the application, the Court finds that plaintiff is financially unable to pay any portion of the filing fee. As a result, plaintiff will be granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Additionally, the Court has reviewed the complaint and will dismiss it as legally frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B).

28 U.S.C. § 1915(e)

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court may dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is

immune from such relief. An action is frivolous if “it lacks an arguable basis in either law or in fact.” Neitzke v. Williams, 490 U.S. 319, 328 (1989).

In reviewing a pro se complaint under § 1915(e)(2)(B), the Court must give the complaint the benefit of a liberal construction. Haines v. Kerner, 404 U.S. 519, 520 (1972). The Court must also weigh all factual allegations in favor of the plaintiff, unless the facts alleged are “clearly baseless.” Denton v. Hernandez, 504 U.S. 25, 32-33 (1992).

The Complaint

Plaintiff alleges that the FBI “gave highly classified federal equipment to [his] family members and other persons with whom [he] had no kinship.” Plaintiff claims that “[t]his federal equipment is placed inside of the ear and goes directly to the brain for control of the brain.” Plaintiff summarily alleges that “[t]hey used this federal equipment in order to gather illegal information, harm, and/or to extort from [him].” Plaintiff claims he “will need security and permanent medical and psychological treatment for the rest of [his] life.”

The factual allegations of the complaint are conclusory, fanciful, and delusional. As such, the complaint will be dismissed as legally frivolous and for failure to state a claim or cause of action. See Denton, 504 U.S. at 32-33.

Accordingly,

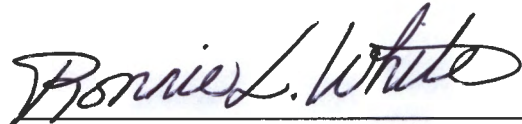
IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue, because the complaint is legally frivolous and fails to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [Doc. #4] is **DENIED** as moot.

A separate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 15th day of March, 2016.

A handwritten signature in blue ink, reading "Ronnie L. White", written over a horizontal line.

RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE